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OGC Has Reviewed

Executive Officer
Office of Special Operations
Legal Staff

18 January 1950

Delegations of Authority

1. Your memorandum of 23 November 1949, requested us to review all directives and administrative instructions applicable to the Office of Special Operations in order to determine what the Assistant Director for Special Operations or his Deputy were required to sign personally, and to indicate whether such authority could be redelegated by the Assistant Director. It also requested an indication of the approving authority granted to the ADSO's office (including the Executive Officer and the Executive Secretary), and asked whether that authority could be further redelegated by the ADSO.

2. An adequate answer to your question required a review of administrative instructions and directives, as well as appropriate provisions of the Confidential Funds Regulations and specific delegations of authority.

3. The basic personnel policy applied throughout the Agency at the present time is contained in Administrative Instruction [REDACTED] dated 9 December 1949. Under this issuance, the ADSO is responsible for the initiation of personnel actions (see Par. 8), but the ultimate decision is left to the officials indicated in paragraph 1.a. Specifically, the ADSO's authority may be delegated to individuals within his office and below, provided personnel action requiring further action by the Executive is signed personally by the ADSO (see Par. 8.b.). Final selection or rejection of applicants for positions above grade GS-5 rests with the ADSO (subject to qualification review by Personnel) (See 10.d.(2)(a)). In regard to the delegation to the ADSO dated 10 September 1948, personnel action subsequent to 28 October 1949 will be in conformance with [REDACTED] In respect to general control that the ADSO may maintain over personnel actions, Administrative Instruction No. [REDACTED] of 11 June 1948, provides that he may, in his discretion, require acceptance of an overseas agreement by any prospective employee, and he may prescribe a tour of duty for less than 24 months if he determines it is in the best interest of the Government. Further, in administering the Field Training Program, S.O. Directive [REDACTED] provides that the assignment will be made by the ADSO with proper recommendation from CFP and COPS. There is no reason why the action under Administrative Instruction [REDACTED] and S.O. Directive [REDACTED] cannot be redelegated to his immediate office and below.

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4. The question of leave is considered in Administrative Instruction [REDACTED]. Special action by the ADSO is required only in the case of leave without-pay which he is authorized to grant at his discretion, provided it does not exceed 15 days. If in excess of that amount, the additional approval of the Personnel Officer is required. This appears to be a personal authority which would be nondelegable to his office or a lower echelon.

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5. The authority delegated to the Executive by DCI in [REDACTED] the Confidential Funds Regulations, in regard to medical expenses, was further redelegated to the ADSO under delegation dated 25 April 1949, to approve expenses in accordance with [REDACTED] and a portion of [REDACTED] (dealing with physical examinations) of the Foreign Service Act of 1946. This delegation was effective 1 February 1949, and, in the absence of a specific statement, is not redelegable by the ADSO.

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6. The duties of the ADSO as a member of the Projects Review Committee indicated in Administrative Instruction [REDACTED] dated 30 December 1948, cannot be redelegated, but there does not seem to be any prohibition against his designation of a member to sit for him, acting on his advice.

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7. S.O. Directive [REDACTED] Revised, dated 5 February 1948, provides that the ADSO must personally approve per diem allowances in excess of 30 days, and it would appear that this could be further redelegated by an appropriate directive. At the present time, the ADSO alone is authorized to approve.

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8. The authority vested in the ADSO under S.O. Directive [REDACTED] dated 7 June 1948, regarding automobiles at overseas stations, was specifically redelegated to the Executive Officer and the Executive Secretary by S.O. Directive [REDACTED], dated 31 October 1949, and can be redelegated to subordinate personnel if the ADSO so desires.

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9. The duties of the ADSO, as a member of the Loyalty Board, under Administrative Instruction [REDACTED] dated 23 August 1948, appear to be a personal function and cannot be redelegated.

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10. Concurrence of the ADSO in actions coordinated with other offices and staff sections must be personally signed by him under Administrative Instruction [REDACTED] dated 23 March 1948, and cannot be redelegated.

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11. Under the specific delegation to the Management Officer, dated 16 September 1949, from the Executive, the concurrence of the ADSO is necessary and must be submitted in writing by him alone. This is in regard to organizational changes.

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12. Concerning liaison policy and procedures for O.S.O. under S.O. Directive [REDACTED] Revised, dated 5 April 1948, the necessary approval of the ADSO can be redelegated to lower officials.

13. The requirements of S.O. Directive [REDACTED] Revised, and 19/1 are specific, but there is no reason why the authority cannot be delegated by the ADSO to subordinate officials outside the office.

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14. Probably the most productive source of authority for action by the ADSO is contained in the Confidential Funds Regulations. In reviewing these, particular attention is directed to paragraph 1.8 entitled "Delegations" which provides "unless otherwise specifically stated herein, Assistant Directors and Staff Chiefs may designate in writing specified senior subordinate officials to sign on their behalf the authorizations delegated to them herein." Thus, unless it is otherwise so indicated, it appears that the authority of the ADSO may be redelegated not only within his immediate office to the Executive Officer and Executive Secretary, but also beyond to any "specified senior subordinate officials" designated in writing by the ADSO. All further remarks are subject to this qualification.

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15. In [redacted] which is general, [redacted] provides that the ADSO may divert Confidential Funds allocated for specific overseas areas or projects in order to meet essential requirements in other areas or projects under his jurisdiction, except as specified in paragraph 7, Administrative Instruction [redacted]. He have already mentioned this instruction regarding Projects.

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16. In [redacted] re: "Field Installations", attention is directed to paragraph b (1) in which the ADSO may appoint other than the chief of a field installation as official custodian of confidential funds. Under Section [redacted] concerning "Covert Action", the ADSO may establish the necessary security standards under which certain support files are maintained. In Section [redacted] "Appointments", it is noted, under subparagraph a (2) that the official U. S. or unofficial organization to which a staff agent is assigned must have the specific approval of the ADSO.

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17. Under [redacted] special allowances payable from confidential funds to meet extraordinary living expenses at a permanent overseas post may be authorized by the ADSO and will be fully accountable except as he may approve otherwise.

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18. Representation allowances may be authorized by the ADSO under Section [redacted] of which redelegates the authority to Chiefs of Station for further allotment as indicated. Authorizations do not extend beyond the fiscal year, but are subject to renewal on specific approval by the ADSO. [redacted] provides for the authorization of a clothing allowance by the ADSO when it becomes necessary for enlisted personnel of the Armed Forces to wear civilian garments.

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19. Operational entertainment expenses may be met from unvouchered funds under [redacted] on approval of the ADSO or Chief of Station.

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25X1A 20. Under [redacted] regarding the Procurement of Supplies and Equipment, [redacted] requires approval of the ADSO for procurement of supplies, non-personal services or space in support of covert purposes outside the continental limits of the United States, in cases where payment for a single transaction is in excess of \$1,000.00 but less than \$5,000.00. Under [redacted] 25X1A [redacted] direct negotiation of contracts is authorized where urgency is indicated by the ADSO. While this is not a specific approval, it is nevertheless

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a requisite condition to valid action.

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21. Under [REDACTED] "Covert Projects and Project Development", the ADSO is authorized to allocate operational funds within his office to home office components and field installations (see [REDACTED]). Under [REDACTED], the ADSO must specifically approve the allocation. Under [REDACTED], the ADSO is required to approve the financial plan (for a subsidy project) proposed by the Covert Coordination Committee; and under subparagraph e., doubtful points will be referred to the ADSO for an opinion, and possible reference to the Executive or Director on the request of any member of the Committee. The ADSO, in conjunction with the Committee, may furnish retroactive approval for subsidy payments made under certain emergency operational conditions (see subparagraph f).

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22. [REDACTED] on Delegations of Authority is not particularly fruitful despite its promising title. [REDACTED] in regard to expenses of medical care and hospitalization, provides that certain medical care and hospitalization expenses together with death and disability benefits, may be paid from confidential funds where the ADSO determines that, for security reasons, it is not appropriate to process the particular case through normal channels (i.e., the Bureau of Employees' Compensation). It will be noted that this does not specifically authorize the ADSO to approve payment of these expenses, and your attention is directed to the delegation of 25 April 1949 already mentioned. Various recommendations are required from the ADSO regarding cases of tuition, travel, foreign living allowance, emergencies, home leave, and shipment of household goods and automobiles. Final approval, however, comes from other sources. Under [REDACTED], the ADSO is authorized to designate, in writing, an approving officer. The section specifically provides that the power to make such authorization may not be redelegated.

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23. The ADSO is authorized to approve the application of the rules, regulations, and policies of a cover organization or establishment to a particular field installation or individual, where it is necessary, in the interest of security and operations [REDACTED]

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24. Under Section 12.3, the approval of the ADSO is required for advances of confidential funds where there is no project or allocation of such funds previously approved, except as indicated in paragraph 7 of Administrative Instruction [REDACTED].

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25. In the absence of an approved project or allocation of funds to which a voucher may be charged, the ADSO, under the authority of Section 12.3, is authorized to approve such vouchers except as indicated in paragraph 7 of Administrative Instruction [REDACTED].

26. We trust the information contained in this memorandum will be informative, and we hope that it is all-inclusive. It is possible, of course, that situations may arise in which the necessity of approval by the ADSO is not clear, and in that case we will be pleased to give you our opinion on the particular question.

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